

**DOCKET NO.:** HENK-0046 (H-4858)  
**Application No.:** 09/877,372  
**Office Action Dated:** May 25, 2006

**PATENT**  
**REPLY FILED UNDER EXPEDITED**  
**PROCEDURE PURSUANT TO**  
**37 CFR § 1.116**

## REMARKS

Claims 19-32 and 34 are currently pending. The independent claims are now 19 and 34. Independent claim 33 is canceled. Claims 19 and 34 are amended to recite "wherein the spring steel band is attached to a leading portion of the sliding shoe only." Applicant respectfully requests reconsideration. Entry of the amendment is proper as it lessens the amount of issues on appeal.

Applicant submits that the lack of written description rejection of claims 19 and 34 was improper, as the specification explicitly provides on page 10, lines 1-4 that the "spring-steel band 30 is fastened, preferably screwed, to the basic body 31 of the sliding shoe 7 only in the region of the entry zone 9." Upon consulting Fig. 1 in connection with this passage, it is clear based on the position of entry zone 9 relative to the directional arrow that the band is attached to a leading portion of the shoe.

Applicant submits that none of the references cited (whether alone or combined) met or rendered obvious all the limitations of the claims even before amendment, and reserves the right to appeal should this amendment not be entered. However, Applicant has now amended the claims to address the Examiner's concern, the independent claims reciting "wherein the spring steel band is attached to a leading portion of the sliding shoe only."

The Examiner states that Figure 5 of the Werz reference teaches a spring steel band being attached to the sliding shoe only in the region that first engages the covering. Applicant is puzzled that the Examiner would assert this, as Figure 5 of the Werz reference provides only a cross sectional view and does not show that the flexible band 20 can be attached to the pressure beam 17 only in a region that first engages the sheet 21. The description of Figure 5 in the Werz reference(page 3, lines 105-120) merely describes a

flexible band 20 joined to a pressure cushion 19 that is connected to a pressure beam 17.

There is nothing in the specification of the Werz reference that indicates that the flexible band 20 can be connected to the pressure beam 17 only in a particular region, and certainly not that "the spring steel band is attached to a leading portion of the sliding shoe." The Duewel reference does not remedy this defect.

The Examiner simply asserts the Kohler reference without pointing out where the reference teaches that a steel band can be attached to a sliding shoe only in a region that first engages a covering. The Kohler reference does not teach or suggest that a steel band can be attached at all, and in fact, suggests that a band 62 should have movement about a series of pulleys 51 and feeler rollers 61 (*see column 5, lines 68-72*). Figures 8 and 9 clearly show the arrangement of band 62, pulleys 51, and feeler rollers 61. As can be seen in Figures 8 and 9, the band 62 is wound around pulleys 51 and the entire length of the band 62 is supported by the pulleys 51. As shown, the band 62 is not only supported in the region that first engages the covering, but also in the region that last engages the covering.. There is nothing in the Kohler reference that indicates that the band 62 can be attached to a leading portion of the shoe.

Applicant submits that the combination of the Curran reference (US Re 23,572) in view of the collective teachings of the Kohler reference, Werz reference, Bielfeldt reference (US 5454304), and Monaco reference (US2993523) should not be asserted again as it was improper. Applicant submits that there is no permissible motivation to combine the references. The structure taught by the Curran reference indicates that it would not be proper to combine the Curran reference with the Kohler, Werz, Bielfeldt, and Monaco references as suggested by the Examiner. The Curran reference teaches a flexible resilient closure 6

having a sealed connection with the housing 5 such that when pressurized steam enters the housing 5, the resilient members 6 conform perfectly to the outer surfaces of the sheets 4 and apply uniform pressure (*see column 3, lines 33-39 and column 4 lines 7-20*). While it may be true that a particular type of flexible material for the resilient member 6 is not critical to the invention, it cannot be said that the invention described in the Curran reference would function as intended if the resilient member 6 was made of steel or even flexible steel.

Even assuming *arguendo* that the combination of references would be proper, the combined references fail to teach or suggest all limitations of the claims. As amended, independent claims 19 and 34 recite the limitation: "wherein the spring steel band is attached to a leading portion of the sliding shoe only." The Curran reference describes a flexible resilient closure 6 having a sealed connection with a housing 5 by means of a clamping frame (*see column 3, lines 36-39*). This description indicates that the flexible resilient closure 6 is attached to the housing 5 *around its entire perimeter* and not just a region that first engages the covering. The Werz, Kohler, Bielfeldt, and Monaco references fail to teach or suggest such a limitation as well.

For similar reasons, a rejection based on the Curran reference in view of the Kohler, Werz, Bielfeldt, and Monaco references, and further in view of the Duewel reference would be improper as well.

A combination based on the Tarnok reference (US 3190783) in view of the collective teachings of the Kohler, Werz, Bielfeldt, and Monaco references would be improper also.

The Tarnok reference describes an ***endless*** band 40 supported between rollers 30 and 32 — leftwardly and rightwardly of where the edging is pressed against the edge (*see Figure 1; column 3, lines 2-3; column 3, lines 27-31*). Therefore, the Tarnok reference cannot be

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"attached" to a shoe, and particularly not in a single region. The Werz, Kohler, Bielfeldt, and Monaco references also fail for the reasons previously stated.

The Held reference (GB 2104448) in view of the collective teachings of the Kohler, Bielfeldt, and Monaco references should not be asserted again. The Held reference teaches press bands 1 and 7 wound around pairs of rollers (*see Figures 1 and 2*). As is shown in Figures 1 and 2, press bands 1 and 7 are supported by rollers not only in the region that first engages the covering, but also in the region that last engages the covering. The Held reference does not teach or suggest that press bands 1 and 7 can be supported only in the region that first engages the covering. The Kohler, Bielfeldt, and Monaco references also fail to teach or suggest such a limitation for the reasons previously stated.

If the independent claims are allowable, the dependent claims will be allowable as well.

The Examiner is invited to contact the undersigned at the telephone number indicated below in order to discuss any remaining concerns and to expedite allowance of the application.

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